

JOSEPH P. RUSSONIELLO (CSBN 44332)  
 United States Attorney  
 JOANN M. SWANSON (CSBN 88143)  
 Chief, Civil Division  
 MELANIE L. PROCTOR (CSBN 228971)  
 Melanie.Proctor@usdoj.gov  
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
 San Francisco, California 94102-3495  
 Telephone: (415) 436-6730  
 FAX: (415) 436-6927

Attorneys for Defendants

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND DIVISION

|  |   |                                 |
|--|---|---------------------------------|
| TAKESHI ITO,                             | ) |                                 |
|  | ) | No. C 08-1160 CW                |
| Plaintiff,                               | ) |                                 |
|  | ) |                                 |
| v.                                       | ) | <b>STIPULATED DISMISSAL and</b> |
|  | ) | <b>ORDER</b>                    |
| MICHAEL CHERTOFF, Secretary,             | ) |                                 |
| Department of Homeland Security, et al., | ) |                                 |
|  | ) |                                 |
| Defendants.                              | ) |                                 |

Plaintiff, by and through his attorneys of record, and Defendants, by and through their attorneys of record, hereby stipulate, pursuant to Fed. R. Civ. P. 41(a), to dismissal of the above-entitled action without prejudice in light of the fact that the United States Citizenship and Immigration Services is now prepared to adjudicate Plaintiff's application for naturalization and agrees to do so within 30 days of the dismissal of this action.

///

///

///

///

///

STIPULATED DISMISSAL  
 No. C 08-1160 CW

1 The parties shall bear their own costs and fees.

2 Dated: April 1, 2008

Respectfully submitted,

3 JOSEPH P. RUSSONIELLO  
4 United States Attorney

5 /s/  
6 MELANIE L. PROCTOR<sup>1</sup>  
Assistant United States Attorney


7 Dated: April 1, 2008

8 /s/  
9 JAMES M. BYRNE  
Attorney for Plaintiff

10  
11 **ORDER**

12 Pursuant to stipulation, IT IS SO ORDERED.

13  
14 Date: 4/2/08

15   
16 CLAUDIA WILKEN  
17 United States District Judge  
18  
19  
20  
21  
22  
23  
24  
25  
26

27  
28 <sup>1</sup>I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any  
signatures indicated by a “conformed” signature (/S/) within this efiled document.